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09/739,856	12/18/2000	Jason M. Allor	MS1.2571US	4196
22801	7590	07/28/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,856

Applicant(s)

ALLOR ET AL.

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is responsive to RCE, filed 05/09/06.

Claims 38-71 are pending in this application. In the communication, claims 1-37 are cancelled, and claims 38-71 are new claims. This action is made non-final.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 38-69 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because “medium”, i.e. claims 38 and 54, is defined in the specification being intangible. The “medium” as defined on page 6 lines 17-23 of the specification as including intangible media such as data signal, carrier wave, etc. The applicant has just claimed the signal and carrier wave for the computer readable medium. An appropriate correction is required. Other claims are also rejected because of their dependency.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 38-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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For example, independent claims 38, 54, 70, and 71 show that the performing the function is not a positive limitation by each node “capable of” making one or more resources to perform the function (the phrase “capable of” can be found in other claims) which can be interpreted as whether the function can be performed as claimed or not. Other claims are also rejected because of their dependency.

### ***Double Patenting***

5. Claims 54 and 71 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 38 and 70. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 38-45, and 51-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (Nolan, U.S. Patent No. 5,933,599) in view of Alimpich et al. (Alimpich, U.S. Patent No. 6,281,896 B1).

As to claims 38 and 54, Nolan teaches at least one computer-readable medium having computer-executable instructions for performing a method to enable a plurality of users to collaborate, the method comprising:

displaying in a first pane a graphical hierarchy having a plurality of nodes (fig. 23 shows that window 402 has plurality of nodes), each node of the plurality of nodes capable of making one or more resources accessible for a collaboration (each node represents for a different category or topic such as Business and Finance, Computer and Software, or Home and Family, etc., and the Home and Family having children nodes such as Pets, Food, or Gardening, e.g., col. 25 lines 24-35, and fig. 23);

in response to user selection of a node of the plurality of nodes, presenting in a second pane one or more links (fig. 23 shows the second pane is Contents of "Gardening"), each respective link of the one or more links associated with a respective resource of the one or more resources; wherein activation of a link of one or more links enables access to an associated resource (each node represents for a different category or topic such as Business and Finance, Computer and Software, or Home and Family, etc; therefore, each category distinct from one to another, e.g., col. 25 lines 11-35, and fig. 23);

displaying in a third pane a plurality of computer representations, each respective computer representation of the plurality of computer representations corresponding to a respective computer that can be used to contribute to the collaboration (Nolan inherently teaches the feature because (if) the Computers and Software directory/folder/link from the first pane 402 is selected, then the second pane 204c would absolutely contain a list of computers/users or software available under that directory, and then if the user selects/clicks on an individual computer or software listing in the second pane 204c, the third pane will show performance tasks or other information regarding that computer in another pane/window (fourth pane)); and

Nolan teaches that in response to user selection of a computer representation of the plurality of computer representations, presenting in a fourth pane (if the user selects/clicks on an individual computer or software listing in the second pane 204c, the third pane will show performance tasks or other information regarding that computer in another pane/window/fourth pane); however, Nolan does not clearly teach that the fourth pane is a work queue for a respective computer that corresponds to the selected computer representation; wherein the work queue includes multiple tasks that are assigned to be performed, at least partly, by the respective computer that corresponds to the selected computer representation. Alimpich clearly teaches that the Printers folder 50 (in hierarchical structure of nodes) shown in fig. 4 teaches when each of the printers is selected, the window/pane 54 shows the list of Printers and Jobs to be performed (figs. 3-6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the InfoPrint Job features of Alimpich in the Organization System of Nolan to increase the flexibility of the user, who controls the system, by helping he/she to be able to act

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quickly if there is an error or other related problems happening with one of the printers/print jobs on the Network.

As to claim 39, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 38, wherein the method further comprises:

enabling a user to cause the respective computer to execute a task of the multiple tasks from the work queue (Alimpich clearly teaches that the Printers folder 50 (in hierarchical structure of nodes) shown in fig. 4 teaches when each of the printers is selected, the window/pane 54 shows the list of Printers and Jobs to be performed (figs. 3-6)).

As to claim 40, Nolan in view of Alimpich teaches the at least one computer-readable of claim 38, wherein the method further comprises:

enabling a first user to add at least one task to the multiple tasks included in the work queue (Nolan, each of the links can become a shortcut and move/add to the window/queue 2300 as shown in fig. 23).

As to claim 41, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 40, wherein the enabling further comprises at least one of:

dragging at least one link of the one or more links from the second pane and dropping the at least one dragged link at the fourth pane (Nolan, each of the links can become a shortcut and move/add/drag/drop to the window/queue 2300 as shown in fig. 23); or

dragging a node of the plurality of nodes from the first pane and dropping the dragged node at the fourth pane.

As to claim 42, Nolan in view of Alimpich teaches the at least one computer-readable, wherein the method further comprises:

enabling a second user to cause the respective computer to execute the at least one task that is added by the first user to the multiple tasks of the work queue (Nolan, each of the links can be moved/added/dragged/dropped/deleted from the window/queue 2300 as shown in fig. 23).

As to claim 43, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 38, wherein each resource of the one or more resources comprises a data file or a computer program (see the rejection of claim 38 above, Nolan, e.g., fig. 23).

As to claim 44, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 38, wherein activation of a link comprises opening a data file or executing a computer program (see the rejection of claim 38 above, Nolan, e.g., fig. 23).

As to claim 45, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 38, wherein the graphical hierarchy is organized by at least one of resource category, functional area, project, sub-project, or task grouping (Nolan, e.g., fig. 23, and Alimpich, figs. 3-6).

As to claim 51, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 38, wherein the method further comprises:

enabling a user to add a link to, to delete a link from, or to modify a link of the one or more links that are presented in the second pane and that are respectively associated with resources of the one or more resources (Nolan, each of the links can become a shortcut and move/add/drag/drop to the window/queue 2300 as shown in fig. 23).

As to claim 52, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 51, wherein the user that is enabled to add, delete, or modify links has an appropriate access permission but other users with at least read access permission can activate



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the one or more links presented in the second pane (Nolan inherently teaches this feature because the system of Nolan is using Microsoft Windows OS in the invention; therefore, it is well known in the art that Microsoft Windows can set access permission for each user).

As to claim 53, Nolan in view of Alimpich teaches the at least one computer-readable medium wherein the method further comprises:

displaying a plurality of titles of a plurality of contact persons responsive to selection of a node of the plurality of nodes; and in response to user selection of a title of the plurality of titles, presenting contact information for the contact person of the selected title (from the rejection of claim 38 above, Nolan teaches the feature because (if) the Computers and Software directory/folder/link from the first pane 402 is selected, then the second pane 204c would absolutely contain a list of computers/users (including the user profiles) or software available under that directory, and then if the user selects/clicks on an individual computer or software listing in the second pane 204c).

As to claims 54-60, they can be rejected under a similar rationale as claims 38-39, and 41-45 above respectively.

As to claim 61, it can be rejected under a similar rationale as claim 53 above.

As to claim 62, Nolan teaches the feature of displaying a manual or installing software because (if) the Computers and Software directory/folder/link from the first pane 402 is selected, then the second pane 204c would absolutely contain a list of computers/users (including the user profiles) or software available under that directory, and then if the user selects/clicks on an individual computer or software listing in the second pane 204c to view for details.

As to claims 63-67, and 69, they can be rejected under a similar rationale as claims 48, 52, 51, 52-53, and 52 above respectively.

As to claim 68, Nolan in view of Alimpich teaches the at least one computer-readable medium of claim 54, wherein the presenting in a second pane one or more links comprises:

presenting at least a file name and a friendly name for the one or more links (Nolan, e.g., fig. 23, and Alimpich, figs. 3-6).

As to claims 70-71, they are system claims of the method claims 38 and 54. Note the rejections of claims 38 and 54 above.

8. Claims 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Alimpich et al. (U.S. Patent No. 6,281,896 B1), and further in view of Mikkonen (U.S. Patent No. 6,885,633 B1).

As to claim 46, the modified system of Nolan in view of Alimpich still does not teach the method wherein the collaboration comprises a testing project, and the one or more resources comprise testing-related data files or computer programs. Mikkonen clearly teaches a node can be used to perform software test and report the results to the other node (Mikkonen, e.g., col. 3 lines 56-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Software Test of Mikkonen in the modified system of Nolan to ease the user when using the system with an available test tool node to make sure the current software on the computer are working normally.

As to claim 47-50, they can be rejected under a similar rationale as claim 46 above.

***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mashruwala et al. (U.S. Patent No. 5,295,242) teaches multiple windows/panes, and relationships among nodes (cols. 1-10 and figs. 4-14).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

07/24/06

BA HUYNH  
PRIMARY EXAMINER